1	Igor Fradkin, Esq State Bar No. 299491	
2	DOWNTOWN L.A. LAW GROUP 601 N. Vermont Ave.	
3	Los Angeles, CA 90004	
4	Tel: (213) 389-3765	
5	Fax: (877) 389-2775 Email: Igor@downtownlalaw.com	
6	Email. <u>igot@downtowmataw.com</u>	
7	Attorneys for Plaintiff	
8	NORMAN LEVY	
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10	UNITED STATES DISTRICT COURT	
11	NORTHERN DISTRICT OF CALIFORNIA	
12		
13	NORMAN LEVY, an individual.	Case No.:
1	THORITINE ELVI, an marviada.	Case Ivo
14	Plaintiff,	COMPLAINT FOR DAMAGES
15	V.	1. PREMISES LIABILITY
16	UNITED STATES OF AMERICA; and	1. TREMISES EMBIETT
17	DOES 1 to 50, inclusive.	
18	Defendants.	
19	Defendants.	
20		
21		
22	COMES NOW, Plaintiff, NORMAN LEVY, and alleges against	
23	Defendants, and each of them, as follows:	
24	I.	
25	JURISDICTION	
26	1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C.	
27	§2671 et seq. Jurisdiction is founded on 28 U.S.C. §§1346(b).	
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#### IV.

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### **FACTS COMMON TO ALL ACTIONS**

- 7. Plaintiff is informed and believes, and based upon such information and belief alleges that at all times relevant hereto Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, are, and at all times herein mentioned were public entities, corporations, sole proprietors, shareholders, associations, partners and partnerships, joint ventures, and/or business entities unknown. At all times herein mentioned, said Defendants were the owners, lessors, sub-lessors, managing agents, landlords, renters, managers, operators, marketers, inspectors, maintainers and controllers, of the premises located at or near Boardwalk at Ocean Beach, San Francisco, CA 94108, (hereinafter referred to as "THE SUBJECT PREMISES"), to which the general public is invited to come.
- 9. At all times herein mentioned, each of the Defendants were the agents, servants, and employees of their co-defendants, and in doing the things hereinafter alleged were acting in the scope of their authority as agents, servants, and employees, and with permission and consent of their co-defendants. Plaintiff is further informed and believes, and thereon alleges, that each of the Defendants herein gave consent to, ratified, and authorized the acts alleged herein to each of the remaining Defendants.
- 10. On September 21, 2021, Plaintiff submitted a claim based on the allegations herein to Defendant UNITED STATES OF AMERICA for administrative settlement and has not been rejected by an agent for Defendant UNITED STATES OF AMERICA.

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## FIRST CAUSE OF ACTION

### PREMISES LIABILITY

# (Against All Defendants)

- 11. Plaintiff re-alleges each and every allegation contained in the above Paragraphs 1 through 10, and by this reference incorporates said paragraphs as though fully set forth herein.
- 12. On or about October 14, 2020, Plaintiff was lawfully on Defendants' premises. As Plaintiff was walking on the boardwalk at Ocean Beach, he slipped and/or tripped on debris and/or similar objects that were allowed to exist and/or accumulate, causing Plaintiff to fall onto the ground, thereby causing Plaintiff to endure severe injuries and pain.
- 13. On or about October 14, 2020, Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, carelessly and negligently owned, rented, managed, leased, supervised, inspected, operated, maintained and/or controlled the premises located at or near the boardwalk at Ocean Beach, San Francisco, CA 94108, such that it was in a dangerous, defective and unsafe condition in conscious disregard for the risk of harm to invitees thereon. By reason of said carelessness, negligence and conscious disregard of the Defendants, and each of them, said premises were unsafe and dangerous to the general public and specifically Plaintiff, NORMAN LEVY.
- 14. Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, and each of them, failed to warn Plaintiff of said dangerous, defective and unsafe condition, although said Defendants, and each of them, knew of said condition.
- 15. Plaintiff has it on information and belief, and thereby alleges, that, at the aforementioned time and place, Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, had actual or constructive notice of

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the dangerous condition, for a sufficient time prior to the injury to have taken measures to protect against the dangerous conditions.

- 16. As a legal, direct, and proximate result of the above-mentioned conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, and each of them, Plaintiff was injured in his health, strength and activity, sustaining injury to his body, and shock and injury to his person, all of which have caused and continue to cause great physical, mental, and emotional pain and suffering all to his general damages, the exact amount of such to be stated according to proof.
- 17. As a legal, direct, and proximate result of the above-mentioned conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, and each of them, Plaintiff was compelled to and did employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and treat him, and did incur hospital, medical, professional and incidental expenses, the exact amount of such to be stated according to proof.
- 18. As a legal, direct, and proximate result of the above-mentioned conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, and each of them, Plaintiff will necessarily incur additional like expenses for an indefinite period of time in the future, the exact amount of such to be stated according to proof.
- 19. As a direct and proximate result of the negligence, carelessness, and violation of the law by Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, and each of them, Plaintiff has and will incur a loss of earnings and/or loss of earning capacity, which will be stated according to proof, pursuant to California Code of Civil Procedure section 425.10.

#### 1 **PRAYER FOR RELIEF** 2 WHEREFORE, Plaintiff demands judgment against Defendants as 3 follows: 4 For general damages in a sum according to proof; 1. 5 For medical, hospital, and related expenses according to proof; 2. 6 3. For loss of earnings according to proof; 7 For loss of future earning capacity according to proof; 4. 8 For costs of suit incurred herein; 5. 9 6. For such other and further relief as this Court may deem proper. 10 11 12 DATED: September 1, 2022 **DOWNTOWN L.A. LAW GROUP** 13 14 15 Igor Fradkin, Esq. Attorney for Plaintiff, 16 **NORMAN LEVY** 17 18 JURY TRIAL DEMAND 19 Plaintiff demands trial by jury of all issues so triable. 20 21 DATED: September 1, 2022 **DOWNTOWN L.A. LAW GROUP** 22 23 24 Igor Fradkin, Esq. Attorney for Plaintiff, 25 **NORMAN LEVY** 26 27 28